

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

Plaintiff,

v.

VAELLO-MADERO

Defendant.

Civil No. 17-cv-2133 (GAG)

**NOTICE OF APPEARANCE AS AMIVUS CURIAE AND REQUEST
FOR LEAVE TO PARTICIPATE AS AMICUS CURIAE “PLUS”**

TO THE HONORABLE COURT:

COMES NOW movant, the HON. JENNIFER GONZALEZ-COLON, in her official capacity as RESIDENT COMMISSIONER OF PUERTO RICO, represented by the undersigned attorney, and respectfully states and prays as follows:

1. On May 22, 2018, this Honorable Court issued an order inviting the Resident Commissioner to participate in this case as *amicus curiae*. [Dkt. 39].
2. The Resident Commissioner hereby informs the Court that it accepts the Court’s invitation and hereby appears as *amicus curiae* in this case.
3. The movant further requests this Court that she be granted the status of *amicus curiae* “plus”¹ and be allowed to file memoranda and briefs on motions before the court, participate in oral arguments on dispositive motions, and, in accordance with *Daggett v. Commission on Governmental Ethics and Election Practices*, 172 F.3d 104, 112 (1st Cir.1999), present those facts within her preview to aid the Court in its determination.

¹ See *Alliance of Automobile Manufacturers v. Gwadowsky*, 297 F. Supp. 2d 305 (D. Maine 2003),

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4. The district court retains “the inherent authority” to appoint *amicus curiae* “to assist it in a proceeding.” *Id.* at 1500; *Alliance of Auto. Mfrs. v. Gwadowsky*, 297 F.Supp.2d 305, 308 (D.Me.2003); *United States v. Michigan*, 116 F.R.D. 655, 660 (W.D.Mich.1987); *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir.1982). Furthermore, the Court has discretion to determine “the fact, extent, and the manner of participation by the amicus.” *Alliance of Auto. Mfrs.*, 297 F.Supp.2d at 307.

5. The appearing party is the Resident Commissioner for Puerto Rico and, as such, a Member of the United States Congress and the only representative before the federal government of the residents of Puerto Rico. In this capacity, the movant can provide a unique perspective on the constitutional, moral, and economic injustices created by the democratic deficit that exists in the US - Puerto Rico relationship and which perpetuates the discriminatory treatment of United States citizens in Puerto Rico in programs such as the ones at issue in this case.

WHEREFORE, the HON. JENNIFER GONZALEZ-COLON, in her official capacity as RESIDENT COMMISSIONER OF PUERTO RICO, respectfully enters her appearance in this case as *amicus curiae* and further prays from this Honorable Court to that she be accorded *amicus curiae* “plus” status in this matter.

RESPECTFULLY SUBMITTED.

It is hereby certified that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties who have made an electronic appearance.

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In San Juan, Puerto Rico, on this 11^h day of June, 2018.

s/ Veronica Ferraiuoli Hornedo

Veronica Ferraiuoli Hornedo

USDC-PR 213814

Legal Counsel to

HON. JENNIFER GONZALEZ-COLON

Member of Congress

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